

ORIGINALDecision No. 63735

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 PACIFIC GAS AND ELECTRIC COMPANY for
 an order issuing a certificate of
 public convenience and necessity to
 exercise the right, privilege and
 franchise granted to applicant by
 Ordinance No. 799 of the Board of
 Supervisors of the COUNTY OF TULARE,
 State of California.
 (Electric)

Application No. 44392

O P I N I O N

Pacific Gas and Electric Company, in this proceeding, requests a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the County of Tulare, California, permitting the installation, maintenance and use of an electric distribution and transmission system in the public roads of said county.

The franchise referred to, a copy of which is attached to the application and designated as Exhibit A, was granted by the county pursuant to the provisions of the laws of the State of California which relate to the granting of franchises by counties and is of indeterminate duration. A fee is payable annually to the county equivalent to 2 percent of the gross receipts arising from the use, operation, or possession of the franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been \$799.14, which amount does not include costs incident to this application.

Applicant has served electricity in portions of the County of Tulare without competition for many years. As of December, 1961 it served 9,519 electric customers within the county.

Applicant alleges that the only person, firm or corporation, public or private, other than Pacific Gas and Electric Company, now engaged in the business of furnishing and distributing or selling electricity for light, heat or other lawful purposes to the public in the County of Tulare is the Southern California Edison Company. Pursuant to a territorial agreement between them, the service areas of, and boundary line between, the two companies were established by this Commission in Decision No. 38803, issued April 2, 1946 in Application No. 26180. Applicant further alleges that, in its public utility business of furnishing and supplying electric service to the public in the County of Tulare, it is not competing with Edison in its service area, and that the certificate sought herein is not for the purpose of authorizing it to supply service to the public within the areas now served by Edison.

No objection to the granting of the requested certificate has been received. A public hearing is not necessary.

After consideration it is found as a fact that public convenience and necessity require the exercise by applicant of the right, privilege and franchise granted to applicant by Ordinance No. 799 of the County of Tulare, California.

The certificate of public convenience and necessity herein granted is subject to the following provision of law:

That the Commission shall have no power to authorize the capitalization of the franchise involved herein or this certificate of public convenience and necessity or the right to own, operate or enjoy such franchise or certificate of public convenience and necessity in excess of the amount (exclusive of any tax or annual charge) actually paid to the State or to a political subdivision thereof as the consideration for the grant of such franchise, certificate of public convenience and necessity or right.

O R D E R

The above-entitled application having been filed, and the Commission being informed in the premises,

IT IS HEREBY ORDERED that:

1. A certificate of public convenience and necessity be and it is granted to Pacific Gas and Electric Company to exercise the rights and privileges granted by the County of Tulare, California, by Ordinance No. 799, adopted October 10, 1961.

2. Pacific Gas and Electric Company shall not exercise said franchise for the purpose of supplying electric service in those parts or portions of the County of Tulare now being served by Southern California Edison Company.

3. Pacific Gas and Electric Company shall not exercise said franchise for the purpose of supplying electric service in those parts or portions of the County of Tulare not now being served by it, except through extensions of its existing system made in the ordinary course of business as contemplated by Section 1001 of the Public Utilities Code of California.

4. The Commission may hereafter, by appropriate proceeding and order, limit the authority herein granted to applicant as to any territory within the County of Tulare not then being served by it.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 28th day of MAY, 1962.

[Signature]
President

[Signature]
[Signature]

Commissioners